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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT TACOMA

11 ROBERT E. JOHNSON,

12 Plaintiff,

13 v.

14 SARA DI VITTORIO, et al.,

15 Defendants.

CASE NO. C12-6018 RJB-JRC

ORDER OVERRULING  
OBJECTIONS AND AFFIRMING  
ORDER OF MAGISTRATE JUDGE

16 This matter comes before the court on Plaintiff's Motion Objecting to Magistrate's Sua  
17 Sponte Order to Amend Complaint. Dkt. 8. The court has reviewed the relevant documents and  
18 the remainder of the file herein.

19 On November 30, 2012, plaintiff, who is proceeding *in forma pauperis*, filed a civil rights  
20 complaint. Dkt. 1, 5. On December 13, 2012, Magistrate Judge J. Richard Creatura issued an  
21 Order to File Amended Complaint. Dkt. 7. In that order, the court concluded that plaintiff's  
22 proposed complaint, which is 33 pages long plus 30 pages of exhibits and a memorandum in  
23 support of the complaint, is not a short and plain statement of the claim showing that the pleader  
24 is entitled to relief, as is required by Fed.R.Civ.P. 8(a)(2). The court directed plaintiff to file an

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1 amended complaint that is a short statement setting forth (1) the court's jurisdiction; (2) a short  
2 statement setting forth what each defendant did; (3) a clear short statement setting forth what  
3 right or duty plaintiff alleges was violated by each defendant's actions; and (4) a demand for  
4 relief. Dkt. 7, at 2.

5 On December 26, 2012, plaintiff filed an objection to the magistrate judge's order  
6 requiring plaintiff to file an amended complaint. Dkt. 8. Plaintiff contends that his original  
7 complaint does not violate Fed.R.Civ.P. 8(a)(2) because it is not too long, and because the  
8 complaint clearly sets forth the facts, claims, and defendants against whom the claims are made.  
9 Dkt. 8.

10 Under Fed.R.Civ.P. 72(a), upon objection by a party to a pretrial order of a magistrate  
11 judge, the district judge shall consider the objections and shall modify or set aside any portion of  
12 the magistrate judge's order found to be clearly erroneous or contrary to law.

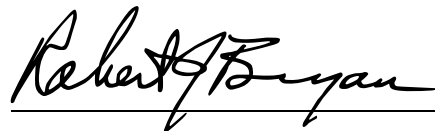
13 The court has reviewed the complaint, exhibits, and memorandum in support of the  
14 complaint. These documents are not a short and plain statement of what each defendant did, or  
15 what right or duty plaintiff alleges was violated by each defendant's actions. Further, plaintiff  
16 has not shown a basis upon which this court may exercise jurisdiction over the complaint. It  
17 appears that plaintiff is requesting that the federal court review a state court decision. That is not  
18 an appropriate basis for invoking federal jurisdiction. *See Exxon Mobil Corp. v. Saudi Basic*  
19 *Indus. Corp.*, 544 U.S. 280, 284 (2005)(The *Rooker-Feldman* doctrine bars "cases brought by  
20 state-court losers complaining of injuries caused by state-court judgments rendered before the  
21 district court proceedings commenced and inviting district court review and rejection of those  
22 judgments.").

1 The order of the magistrate judge, requiring that plaintiff file an amended complaint, is  
2 not clearly erroneous or contrary to law. The court should overrule plaintiff's objections and  
3 affirm the order of the magistrate judge.

4 Accordingly, it is hereby **ORDERED** that plaintiff's objections (Dkt. 8) to the Order to  
5 File an Amended Complaint (Dkt. 7) are **OVERRULED**. The Order to File an Amended  
6 Complaint (Dkt. 7) is **AFFIRMED**. The matter is re-referred to the magistrate judge for further  
7 proceedings.

8 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
9 to any party appearing *pro se* at said party's last known address.

10 Dated this 10<sup>th</sup> day of January, 2013.

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13 ROBERT J. BRYAN  
14 United States District Judge  
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